IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 840 OF 2006

Tushar Anant Sheramkar & Ors. ...Applicants
V/s.
The State of Maharashtra. ...Respondent

Shri Kuldeep S. Patil for Applicants.
Shri R.Y. Mirza, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 28, 2006

P.C. :-

. Heard learned Counsel for the applicants and learned APP for the State.

. The applicants have an apprehension that they are likely to be arrested in connection with C.R.No.10/2006 registered with Poynad Police station for an offence punishable under Sections 307, 504, 427 read with Section 34 of the IPC and under the provisions of the Arms act.

2. It is alleged that the complainant was driving on his motorcycle alongwith his friend and at that time, he saw the applicant was standing near his motor

vehicle. Thereafter, it is alleged that the applicants chased the complainant and gave a dash at his motorcycle by his Maruti car, as a result of which, the complainant and his friend suffered injury. Thereafter, it is alleged that applicant got down from a car and chased the complainant and assaulted both of them i.e. complainant by his stick.

3. Learned APP has shown the injuries which are found on the person of the complainant and his friend. It is submitted by the learned Counsel for the applicants there was political rivalry between the applicant and the complainant and the various show cause notices were issued by the complainant. The learned Counsel for the applicants has invited my attention to these notices which are issued by the complainant to the applicant. He submits that there was strong motive for the complainant to implicate the present applicant and that there was every possibility that the injuries which were found on the person of the complainant could have been caused as a result of the accident such as skidding of motorcycle on the road. In my view, this is not a

fit case for grant of anticipatory bail. Though from the show cause notices which are issued by the complainant, it does show that there was serious discord and dispute between the applicant and the complainant, it cannot be said that for the same reason, the complainant has implicated his name as the said injuries which were found on the person of the complainant very indicate that the injuries was caused on the person of the complainant were of skidding of the motor cycle and also on the result of assault. Under these circumstances, it is not possible to accept the plea made by the learned Counsel for the applicants.

4. The application is rejected. It is clarified that the rejection of the anticipatory bail should not be construed to be an expression of opinion of this Court on merits of the case in the deciding the application for bail and the application for bail is filed, the trial Court may not be influenced by this observations and may decide the application on its own merits.

(V.M. Kanade, J.)